

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

WESTON FARRIS,	§	
	§	
Plaintiff,	§	CIVIL ACTION NO.
	§	4:16-CV-01384
V.	§	
	§	JURY DEMANDED
PRIVACY PATROL LLC,	§	
	§	
Defendant.	§	

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**NOTICE OF REMOVAL**

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**NOW INTO COURT**, through undersigned counsel, comes PRIVACY PATROL LLC (hereinafter referred to as “Defendant”), the defendant in the action styled Weston Farris v. Privacy Patrol LLC, bearing cause number 16-JSC31-00437 in the Justice Court of Fort Bend County, Texas Precinct 3, reserving all rights and defenses, to notice of removal of that Texas state court civil action to the United States District Court for the Southern District of Texas, Houston Division, and upon information and belief, represents as follows:

1. Plaintiff Weston Farris asserts he is a resident of Texas.
2. Defendant Privacy Patrol LLC is a New Jersey Limited Liability Company located in Avenel, New Jersey.
3. On April 12, 2016, Plaintiff filed suit against Defendant Privacy Patrol LLC in the Justice Court of Fort Bend County, Texas Precinct 3, alleging damages for an unsolicited telephone call.

4. On April 18, 2016, Defendant Privacy Patrol LLC received notification of the lawsuit by Certified Mail.

5. Counsel for Privacy Patrol LLC called Plaintiff at the number listed on Plaintiff's lawsuit and left a voicemail in an attempt to discuss the lawsuit. Subsequently, Counsel for Privacy Patrol LLC emailed Plaintiff to discuss the lawsuit, advised Plaintiff of the Special Appearance and answer filed subject thereto, and also informed on removal. To date, Counsel for Privacy Patrol LLC has not received a response from Plaintiff.

6. Plaintiff brings federal claims for violations of the "TCPA, 47 USC. §227" and "TCPA regulations (47 C.F.R. §64.1200)". Defendant also brings a claim under Tex. Bus. and Com. Code §305.053, which is a claim for a violation of "47 U.S.C. §227" as stated in the statute thus arising under federal law.

7. Removal is proper under 28 USC. §1441(a) as the federal courts have original jurisdiction over claims that arise under federal law. 28 USC. §1331. *See also, Mims v. Arrow Financial Services, LLC*, 132 S.Ct. 740 (2012) (holding that federal courts have concurrent jurisdiction over TCPA claims).

8. Privacy Patrol LLC is the only defendant in this action.

9. Under 28 U.S.C. §1446(a) and local rule LR CV-81, the following exhibits are attached hereto and are incorporated by reference:

**Exhibit A:** All executed process in the case;

**Exhibit B:** Pleadings;

**Exhibit C:** All Orders signed by the State Court Judge;

**Exhibit D:** The docket sheet;

**Exhibit E:** An index of all matters being filed;

**Exhibit F:** A list of counsel of record, including addresses, telephone numbers and parties represented.

10. Defendant Privacy Patrol LLC will be filing a Motion to Challenge personal jurisdiction, including under *Cantu v. Platinum Marketing Group, LLC d/b/a Diabeteshelpnow.com*, LLC; Civil No. 1:14-CV-7, Southern District of Texas, in which Senior District Judge Hilda Tagle dismissed the case for lack of personal jurisdiction on July 13, 2015.

WHEREFORE, PREMISES CONSIDERED, Defendant Privacy Patrol LLC hereby notices removal of Plaintiff's Texas State Court Action to this Honorable Court.

Respectfully submitted,

**GORDON & REES, L.L.C.**



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**ATTORNEYS FOR PRIVACY PATROL LLC**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on Pro Se Plaintiff Weston Farris on this the 17<sup>th</sup> day of May, 2015, via U.S. Mail and CM/RRR.

A handwritten signature in black ink, appearing to read "Michael M Ramirez", with a long horizontal stroke extending from the end of the name.

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Michael John Ramirez